



General Assembly

January Session, 2001

Raised Bill No. 1082

LCO No. 3417

Referred to Committee on Public Health

Introduced by:
(PH)

***AN ACT IMPLEMENTING KEY RECOMMENDATIONS OF THE
GOVERNOR'S BLUE RIBBON COMMISSION ON MENTAL HEALTH.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-16 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) No child or youth placed or treated under the direction of the
4 Commissioner of Children and Families in any public or private
5 facility shall be deprived of any personal, property or civil rights,
6 except in accordance with due process of law.

7 (b) Each child or youth placed or treated under the direction of the
8 Commissioner of Children and Families in any public or private
9 facility shall receive humane and dignified treatment at all times, with
10 full respect for [his] such child's or youth's personal dignity and right
11 to privacy, consistent with [his] such child's or youth's treatment plan
12 as determined by the commissioner. Such child or youth shall have the
13 right to participate in the development of a treatment plan that meets
14 the individual needs of such child or youth in the least restrictive
15 environment, and shall have the right to the development of a

16 discharge plan that specifies the plans to provide such child or youth
17 with appropriate individualized services in the least restrictive
18 environment.

19 (c) (1) Each child and youth shall be permitted to communicate with
20 any individual, group or agency, consistent with [his] such child's or
21 youth's treatment objectives as determined by the Commissioner of
22 Children and Families.

23 (2) Each public or private facility under the direction of the
24 Commissioner of Children and Families shall furnish writing materials
25 and postage to any child or youth desiring them.

26 (3) A child or youth shall be permitted to make or receive telephone
27 calls to or from [his] such child's or youth's attorneys at any reasonable
28 time. Public telephones shall be made available in appropriate
29 locations.

30 (d) (1) The Commissioner of Children and Families shall adopt
31 regulations, in accordance with chapter 54, with respect to each facility
32 or institution under [his] the commissioner's jurisdiction, to specify the
33 following: (A) When a child or youth may be placed in restraint or
34 seclusion or when force may be used upon a child or youth; (B) when
35 the head of a facility may limit the use or receipt of mail by any child
36 or youth and a procedure for return of unopened mail and (C) when
37 the head of a facility may restrict the use of a telephone by any child or
38 youth.

39 (2) A copy of any order placing a child or youth in restraint or
40 seclusion in accordance with the regulations adopted in subdivision (1)
41 of this subsection shall be made a part of the child's or youth's
42 permanent clinical record. Any special restriction on the use or receipt
43 of mail or telephone calls made in accordance with the regulations
44 adopted in subdivision (1) of this subsection, shall be noted in writing,
45 signed by the head of the facility, and made a part of the child's or
46 youth's permanent clinical record.

47 (e) (1) Each child or youth shall be permitted to receive visitors
48 subject to reasonable restrictions consistent with the child's or youth's
49 treatment objectives. The head of each facility shall establish visiting
50 hours and inform all children and youth and their families and other
51 visitors of these hours. Any special restriction shall be noted in writing,
52 signed by the head of the facility, and made a part of the child's or
53 youth's permanent clinical record.

54 (2) Each child or youth may receive [his] such child's or youth's
55 clergyman and attorney at any reasonable time.

56 (f) No person shall be denied employment, housing, civil service
57 rank, any license or permit, including a professional license, or any
58 other civil or legal right, solely because of a present or past placement
59 with the Commissioner of Children and Families except as otherwise
60 provided by statute.

61 (g) Each child or youth under the supervision of the Commissioner
62 of Children and Families shall have the right to counsel of [his] such
63 child's or youth's own choosing, and the right to receive visits from
64 physicians and mental health professionals as may be arranged by
65 [his] such child's or youth's counsel.

66 (h) Each child or youth shall have a right to a hearing pursuant to
67 procedures adopted by the commissioner, in accordance with sections
68 4-176e to 4-181a, inclusive, before [he] such child or youth is
69 involuntarily transferred by the Commissioner of Children and
70 Families to any facility outside the state of Connecticut.

71 (i) Any child or youth aggrieved by a violation of subsections (a) to
72 (h), inclusive, of this section, may petition the superior court for the
73 venue district provided in section 46b-142 within which the child or
74 youth is or resides for appropriate relief, including temporary and
75 permanent injunctive relief. Such petition shall be treated as a juvenile
76 matter.

77 (j) The Commissioner of Children and Families shall adopt
78 regulations, in accordance with chapter 54, to establish a fair hearing
79 process which provides the right to appeal final determinations of the
80 Department of Children and Families or of its grantee agencies as
81 determined by the commissioner regarding the nature of denial,
82 involuntary reduction or termination of services. Such hearings shall
83 be conducted, in accordance with the provisions of chapter 54, after a
84 person has exhausted the department's established grievance
85 procedure. Any person receiving services from a Department of
86 Children and Families facility or a grantee agency determined by the
87 commissioner to be subject to this subsection and who is aggrieved by
88 a violation of this section may elect to either use the procedure
89 specified in this subsection or file for remedies under subsection (i) of
90 this section.

91 (k) The Commissioner of Children and Families shall establish an
92 Office of Consumer Relations, within the Department of Children and
93 Families, to oversee compliance with the provisions of this section, and
94 shall establish a system of family advocates who are independent of
95 any state agency or private provider and who may be assisted by
96 independent legal representatives.

97 (l) Notwithstanding any provision of this chapter or chapter 399a,
98 family members of children or youths placed or treated under the
99 direction of the Commissioner of Children and Families in public or
100 private facilities shall constitute a majority of any board, council or
101 advisory group responsible for the design, implementation or
102 evaluation of the policies, procedures and programs of the Department
103 of Children and Families.

104 Sec. 2. Subsection (a) of section 17b-106 of the general statutes is
105 repealed and the following is substituted in lieu thereof:

106 (a) On July 1, 1985, the Commissioner of Social Services shall
107 increase the adult payment standards for the state supplement to the
108 federal Supplemental Security Income Program by four and

109 three-tenths per cent over the standards for the fiscal year ending June
110 30, 1985, provided the commissioner shall apply the appropriate
111 disregards. Notwithstanding the provisions of any regulation to the
112 contrary, effective July 1, 1994, the commissioner shall reduce the
113 appropriate unearned income disregard for recipients of the state
114 supplement to the federal Supplemental Security Income Program by
115 seven per cent, provided if sufficient funds are available within
116 accounts in the Department of Social Services and are transferred to
117 the old age assistance account, the aid to the blind account and the aid
118 to the disabled account, the commissioner shall increase the unearned
119 income disregard for recipients of the state supplement to the federal
120 Supplemental Security Income Program to a level not to exceed that in
121 effect on June 30, 1994. On July 1, 1989, and annually thereafter, the
122 Commissioner of Social Services shall increase the adult payment
123 standards over those of the previous fiscal year for the state
124 supplement to the federal Supplemental Security Income Program by
125 the percentage increase, if any, in the most recent calendar year
126 average in the consumer price index for urban consumers over the
127 average for the previous calendar year, provided the annual increase,
128 if any, shall not exceed five per cent, except that the adult payment
129 standards for the fiscal years ending June 30, 1993, June 30, 1994, June
130 30, 1995, June 30, 1996, June 30, 1997, June 30, 1998, June 30, 1999, June
131 30, 2000, and June 30, 2001, shall not be increased. Effective October 1,
132 1991, the coverage of excess utility costs for recipients of the state
133 supplement to the federal Supplemental Security Income Program is
134 eliminated. On July 1, 2001, and annually thereafter, the commissioner
135 shall increase the unearned income disregard for recipients of the state
136 supplement to the federal Supplemental Security Income Program by
137 an amount equal to the annual cost-of-living increase provided under
138 the federal Supplemental Security Income Program.

139 Sec. 3. Section 53a-39a of the general statutes is repealed and the
140 following is substituted in lieu thereof:

141 (a) In all cases where a defendant has been convicted of a

142 misdemeanor or a felony, other than a capital felony, a class A felony
143 or a violation of section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-
144 57, 53a-58 or 53a-70b or any other offense for which there is a
145 mandatory minimum sentence which may not be suspended or
146 reduced by the court, after trial or by a plea of guilty without trial, and
147 a term of imprisonment is part of a stated plea agreement or the
148 statutory penalty provides for a term of imprisonment, the court may,
149 in its discretion, order an assessment for placement in an alternate
150 incarceration program to be conducted by the Office of Adult
151 Probation. If the Office of Adult Probation recommends placement in
152 an alternate incarceration program, it shall also submit to the court a
153 proposed alternate incarceration plan. Upon completion of the
154 assessment, the court shall determine whether such defendant shall be
155 ordered to participate in such program as an alternative to
156 incarceration. If the court determines that the defendant shall
157 participate in such program, the court shall suspend any sentence of
158 imprisonment and shall make participation in the alternate
159 incarceration program a condition of probation as provided in section
160 53a-30.

161 (b) An alternate incarceration program includes, but shall not be
162 limited to, an intensive probation program, any community service
163 program approved by the Chief Court Administrator and any
164 residential or nonresidential program approved by the Chief Court
165 Administrator which provides care, supervision and supportive
166 services such as employment, psychiatric and psychological evaluation
167 and counseling, and drug and alcohol dependency treatment. Any
168 defendant placed in an alternate incarceration program shall comply
169 with any other conditions of probation ordered by the court or
170 required by the Office of Adult Probation, as provided in subsections
171 (a) and (b) of section 53a-30.

172 (c) Any residential or nonresidential program approved by the
173 Chief Court Administrator under subsection (b) of this section shall
174 develop the capacity, at all levels of services, to include persons with

175 psychiatric disabilities in the service delivery system of such program.
176 Not later than January 1, 2002, such program shall allocate not fewer
177 than fifteen beds in each region to supervise persons with psychiatric
178 disabilities.

179 (d) Any child who is the subject of criminal charges shall be
180 assessed to determine if such child requires mental health services. If
181 such services are required, a service plan shall be developed to meet
182 such child's individual needs.

183 Sec. 4. (NEW) Notwithstanding any provision of chapters 319i and
184 319j of the general statutes, the composition of each council, advisory
185 board or other policy-making body responsible for the design,
186 implementation or evaluation of the policies, procedures and
187 programs of the Department of Mental Health and Addiction Services
188 shall be comprised of a majority of persons who are receiving, or have
189 received, services from or through the department. In their capacity as
190 members of any such council, board or body, such persons shall be
191 consulted and shall be entitled to give recommendations on decisions
192 regarding such design, implementation and evaluation.

193 Sec. 5. (NEW) For the fiscal years ending June 30, 2002, and June 30,
194 2003, the Department of Mental Health and Addiction Services shall
195 increase the amount of grants paid by the department to nonprofit
196 community based providers of mental health services by increments
197 sufficient to provide that staff employed by such providers receive
198 compensation in salaries, benefits and staff development that are
199 comparable to the salaries, benefits and staff development provided to
200 employees at state-operated mental health facilities and institutions.
201 For the fiscal year ending June 30, 2004, and each fiscal year thereafter,
202 such grant payments shall be increased to reflect increases in the cost-
203 of-living in the state.

204 Sec. 6. (NEW) For the fiscal year ending June 30, 2002, and each
205 fiscal year thereafter, the Department of Social Services shall increase
206 the Medicaid rates for inpatient and outpatient mental health services

207 by amounts sufficient to ensure that such rates cover the full cost of
208 such services not later than July 1, 2004. For the fiscal year ending June
209 30, 2005, and each fiscal year thereafter, such rates shall be increased to
210 reflect increases in the cost-of-living in the state.

211 Sec. 7. (NEW) The Commissioner of Social Services shall amend the
212 Medicaid state plan to include coverage for rehabilitation services
213 provided by private providers of mental health services, pursuant to a
214 contract with the Department of Mental Health and Addiction
215 Services, to adults with psychiatric disabilities who are clients of the
216 Department of Mental Health and Addiction Services. The
217 Commissioner of Mental Health and Addiction Services, in
218 consultation with the Commissioner of Social Services and such
219 private providers, shall develop a billing system for such rehabilitation
220 services and for mental health case management services that shall be
221 streamlined and designed to maximize the receipt of federal revenue
222 by the state. Any federal funds received by the state as reimbursement
223 for such services shall be deposited in the Community Mental Health
224 Trust Fund established pursuant to section 8 of this act.

225 Sec. 8. (NEW) There is established a fund to be known as the
226 "Community Mental Health Trust Fund". The fund shall contain any
227 moneys required by law to be deposited in the fund and shall be held
228 separate and apart from all other money, funds and accounts.
229 Investment earnings credited to the fund shall become part of the
230 assets of the fund. Any balance remaining in said fund at the end of
231 any fiscal year shall be carried forward in the fund for the fiscal year
232 next succeeding. The fund shall be used for the purpose of providing
233 funding for the state community mental health system, provided
234 amounts in the fund may be expended only pursuant to appropriation
235 by the General Assembly.

236 Sec. 9. (NEW) (a) There is established a fund to be known as the
237 "Community Service Restoration Fund". The fund shall contain any
238 moneys required by law to be deposited in the fund and shall be held

239 separate and apart from all other money, funds and accounts.
240 Investment earnings credited to the fund shall become part of the
241 assets of the fund. Any balance remaining in said fund at the end of
242 any fiscal year shall be carried forward in the fund for the fiscal year
243 next succeeding. The fund shall be used for the purpose of expanding
244 the capacity of the community mental health system for adults to meet
245 increased need by (1) expanding existing community mental health
246 services to meet documented demand, and (2) implementing services
247 to fill documented gaps in the community mental health system as
248 necessary to support recovery, provided amounts in the fund may be
249 expended only pursuant to appropriation by the General Assembly.

250 (b) There shall be a Community Service Restoration Fund Council,
251 appointed by the Governor, that shall oversee the Community Service
252 Restoration Fund and make recommendations to the General
253 Assembly and to the Commissioner of Mental Health and Addiction
254 Services concerning expenditures from the fund. A majority of the
255 members appointed to the council shall be consumers of mental health
256 services.

257 Sec. 10. (a) The sum of ____ dollars is appropriated to the
258 Department of Mental Health and Addiction Services, from the
259 General Fund, for the fiscal year ending June 30, 2002, for the
260 Community Service Restoration Fund established pursuant to section 9
261 of this act.

262 (b) The sum of ____ dollars is appropriated to the Department of
263 Mental Health and Addiction Services, from the General Fund, for the
264 fiscal year ending June 30, 2003, for the Community Service
265 Restoration Fund established pursuant to section 9 of this act.

266 Sec. 11. (a) The sum of ____ dollars is appropriated to the
267 Department of Mental Health and Addiction Services, from the
268 General Fund, for the fiscal year ending June 30, 2002, for the
269 implementation of the second phase of the supportive housing pilot
270 initiative.

271 (b) The sum of ____ dollars is appropriated to the Department of
272 Mental Health and Addiction Services, from the General Fund, for the
273 fiscal year ending June 30, 2003, for the implementation of the second
274 phase of the supportive housing pilot initiative.

275 Sec. 12. (a) The sum of ____ dollars is appropriated to the
276 Department of Social Services, from the General Fund, for the fiscal
277 year ending June 30, 2002, for the rental assistance program to increase
278 the fair market rent, serve an additional five hundred persons and
279 establish a higher subsidy for families and individuals with special
280 needs to include the cost of case management services.

281 (b) The sum of ____ dollars is appropriated to the Department of
282 Social Services, from the General Fund, for the fiscal year ending June
283 30, 2003, for the rental assistance program to increase the fair market
284 rent, serve an additional five hundred persons and establish a higher
285 subsidy for families and individuals with special needs to include the
286 cost of case management services.

287 Sec. 13. The sum of ____ dollars is appropriated to the Department
288 of Children and Families, from the General Fund surplus, for the fiscal
289 year ending June 30, 2001, for the development and implementation of
290 home and community-based mental health and support services to be
291 utilized by local systems of care for children served by or through the
292 department, such funds to be used for the purpose of terminating out-
293 of-state placements, discharging children from residential and
294 institutional settings to the least restrictive appropriate environment,
295 developing home or near home placements for other children served
296 by the department, and preparing older youth for transition to
297 adulthood.

298 Sec. 14. This act shall take effect from its passage, except that
299 sections 1 to 12, inclusive, shall take effect July 1, 2001.

Statement of Purpose:

To implement key recommendations of the Governor's Blue Ribbon Commission on Mental Health.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]